

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Arnold et al.

Group No.: 3739

Serial No.: 09/815,877

Examiner: Rosiland S. Kearney

Filed: March 23, 2001

Docket No.: AUGA15000005

For: A WARMING APPARATUS WITH AN INFLATABLE COVER AND AN INLET PORT PLUG

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TERMINAL DISCLAIMER

The owner*, Augustine Medical, Inc., of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,228,107. The owner* hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner* does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I have reviewed the evidentiary documents concerning ownership of United States Patent Application Serial No. 09/815,877 and United States Patent No. 6,228,107 and, to the best of my knowledge and belief, they establish the entire right, title, and interest to United States Patent Application Serial No. 09/815,877 and to United States Patent No. 6,228,107 in AUGUSTINE MEDICAL, INC.

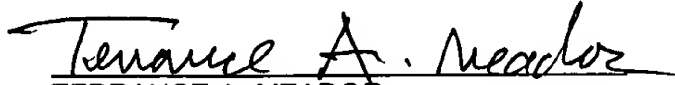
11/06/2002 13:38:13 00000069 09815877
01 FC:2814 55.00 OP
Gray Cary/IGT6306290.1
103806-165244

REC #10
NOV - 17 2002
TECHNOLOGY CENTER RST
Please enter
11/05 KS

I, TERRANCE A. MEADOR, have the power of attorney from the inventors, and I am authorized to sign this Terminal Disclaimer on behalf of AUGUSTINE MEDICAL, INC.

A check in the amount of \$55.00 is enclosed to cover the applicable fee. The Commissioner is hereby authorized to charge any deficit, or credit any overpayment, to Deposit Account No. 50/2258.

Dated: 28 October 2002


TERRANCE A. MEADOR
Reg. No. 30,298

GRAY CARY WARE & FREIDENRICH
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Telephone (858)638-6747 - Fax (858)638-6727